

**NORTH CAROLINA DEPARTMENT OF LABOR  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

OSH INSPECTION NO. 317091486

**INFORMAL SETTLEMENT AGREEMENT**

This Agreement is entered into by and between the Division of Occupational Safety and Health, North Carolina Department of Labor (hereinafter "OSH Division"), and the following employer:

NCDOA, Division of Facility Management  
(hereinafter "the Employer")

The OSH Division and the Employer specifically agree to the following items:

1. The Employer maintains a place of business at the following address:

306 N. Wilmington St. Raleigh, NC 27605

2. On 12/17/2013, an OSH Division compliance officer conducted an inspection at a worksite where one or more of the Employer's employees were performing work.

3. Based upon that inspection, the OSH Division issued a Citation and Notification of Penalty to the Employer (hereinafter referred to as a NCOSHA-2), a copy of which is attached, on 02/20/2014, alleging a violation(s) of the Occupational Safety and Health Act of North Carolina and/or the standards and regulations promulgated thereunder.

- 
4. This Agreement modifies the aforementioned NCOSHA-2 as follows:

<u>CITATION</u>	<u>ITEM</u>	<u>OLD PENALTY</u>	<u>NEW PENALTY</u>	<u>COMMENTS</u>
1	1	\$6,300.00	\$4,725.00	penalty reduction
1	2a-2q	\$6,300.00	\$4,725.00	penalty reduction

Citation 1 item 1 and citation 1 items 2a through 2q have been reclassified from class I asbestos

abatement work to class II asbestos abatement work.

Citation items listed in the original NCOSHA-2 which are not hereby modified shall remain in effect.

5. In consideration of this Agreement, the Employer agrees to:

a. Certify that it has abated the above-referenced Citation Item(s) or will abate the above-referenced Citation Item(s) by the abatement date contained in such Citation(s);

b. Pay the total penalty assessment of \$9,450.00 within 10 days of receipt of a copy of the executed settlement agreement; and

c. Waive its rights under the Occupational Safety and Health Act of North Carolina, N.C.G.S. §§95-126 to -155, to contest any citation item(s), penalty(ies), or abatement date(s) listed on the NCOSHA-2 before the Safety and Health Review Commission of North Carolina and/or any other tribunal.

6. The parties agree that this Agreement is a full and final settlement of all the claims set out in the underlying NCOSHA-2, and that it is an unappealable Final Order of the Commissioner that is subject to the provisions of NCGS §95-133(b) and §95-141.

7. The parties agree to bear their own attorneys' fees, costs and other expenses incurred to date in this matter.

8. This Agreement shall be prominently posted at or near such place(s) any violation(s) referred to in the original citation occurred and in close proximity to that original citation.

---

WHEREFORE, the undersigned parties enter into and execute this Agreement.

This the 24 day of March 2014.

For the OSH Division:  
North Carolina Department  
of Labor

For the Employer:  
NC DOA, Division of Facility  
Management

Inspection number: 317091486

Neesia Hill  
Signature

Neesia Hill/ Health Compliance Officer II  
Printed Name/Title

S. Tony Jordan Jr  
Signature

S. Tony Jordan, Jr  
Director, Facility Management  
Printed Name/Title